

Staff Summary Report



Council Meeting Date: 9-15-05

Agenda Item Number: _____

SUBJECT: Resolution No. 2005.43 amends the Personnel Rules and Regulations relating to general provisions; compensation and classification; employment; employee status; benefits; and employee rights, responsibilities and limitations, and revises the Administrative Memorandum related to Unclassified Service.

DOCUMENT NAME: 20050915hrds01 **PERSONNEL RULES AND REGS (0301-01) RESOLUTION NO. 2005.43**

SUPPORTING DOCS: Yes

COMMENTS: Resolution No. 2005.43 amends Rule 1, Sections 101(C), 104(A) and 104(B); Rule 2, Sections 202(C), (E), (H), (I), and (J); Rule 3, Sections 301 (B) and (D), Section 304(D), Section 305(A) and (E), Section 306 (D), Section 309(A) and Section 310; Rule 4, Section 406(B) and (B)33, 406(C) and (C)2, Section 406(D), (E), (F), and (G), Sections 407, 408, 409 and 410; Rule 5, Section 501(B), 502, 504, 508 (A) and (B), and 512(J); and Rules 6, Section 602(A), 606, 607 and 612 of the Personnel Rules and Regulations relating to compensation and classification; employment; employee status; benefits; and employee rights, responsibilities and limitations, and the Administrative Memorandum related to Unclassified Service.

PREPARED BY: Jon O'Connor, Deputy Human Resources Manager (350-8423)

REVIEWED BY: Valerie Hernandez, Human Resources Manager (350-8407)

LEGAL REVIEW BY: Janis Bladine, Assistant City Attorney (350-8609)

FISCAL NOTE: N/A

RECOMMENDATION: Adopt Resolution No. 2005.43

ADDITIONAL INFO: The 6-Sided Partnership and Merit System Board have reviewed and approved these amendments.

RESOLUTION NO. 2005.43

A RESOLUTION OF THE CITY OF TEMPE, ARIZONA, AMENDING THE CITY'S PERSONNEL RULES & REGULATIONS RELATING TO GENERAL PROVISIONS; COMPENSATION & CLASSIFICATION; EMPLOYMENT; EMPLOYEE STATUS; BENEFITS; AND EMPLOYEE RIGHTS, RESPONSIBILITIES AND LIMITATIONS, AND THE ADMINISTRATIVE MEMORANDUM RELATED TO UNCLASSIFIED SERVICE.

WHEREAS, the Tempe City Council has the authority to amend the City of Tempe Personnel Rules and Regulations at any time in accordance with Ordinance No. 88.53 and the Charter of the City of Tempe; and

WHEREAS, it is in the best interest of the City of Tempe to amend the City of Tempe Personnel Rules and Regulations;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

That Rule 1, Sections 101(C), 104(A) and 104(B); Rule 2, Sections 202(C), (E), (H), (I), and (J); Rule 3, Sections 301 (B) and (D), Section 304(D), Section 305(A) and (E), Section 306 (D), Section 309(A) and Section 310; Rule 4, Section 406(B) and (B)33, 406(C) and (C)2, Section 406(D), (E), (F), and (G), Sections 407, 408, 409 and 410; Rule 5, Section 501(B), 502, 504, 508 (A) and (B), and 512(J); and Rules 6, Section 602(A), 606, 607 and 612 and the Unclassified Service Administrative Memorandum be amended to read as indicated in Exhibits A and B (filed with the City Clerk), and that any previous actions of the Council insofar as they may conflict with or be superseded by this resolution be amended or repealed.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this _____ day of September, 2005.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

**SUMMARY OF PROPOSED CHANGES
to the
City of Tempe Personnel Rules and Regulations
July 2005**

Rule 1: General Provisions

- Section 101.C: Inclusion of Senior Management Team and SEIU
Section 104.A: Clarification of application of rules for unclassified staff positions, inclusion of section 104.B. and clarification of time frames for temporary employment. Removal of subsection 5 – not necessary.
Section 104.B: Now included in previous section (104.A)

Rule 2: Compensation & Classification

- Section 202.C: Update to address 2004 changes to federal FLSA law
Section 202.E: Removal of PIP paragraph for consistency with practice
Section 202.H: Update to address 2004 changes to federal FLSA law
Section 202 I: Clarification and removal of reference to pip and promotional probationary periods for consistency with practice
Section 204.J: Clarification

Rule 3: Employment

- Section 301B: Removes residency requirement for department managers except for those specified: Police Chief, Fire Chief, Public Works Manager, Water Utilities Manager and Human Resources Manager.
Section 301.D: Subsection E moved under subsection D for clarification. Update for change already effective re length of time required for domestic partner status.
Section 304.D: Change to number of names required on internal eligibility list before department manager can request external recruitment.
Section 305.A: Update to remove reference to promotional probation
Section 305.E: Removal of sentence not consistent with practice
Section 306.D: Clarification and update to remove reference to promotional probation
Section 309.A: Update to correct subsection title and legal references to AZ public records law
Section 310: Clarification of rule and update to address 2004 changes to federal law

Rule 4: Employee Status

- Section 406.B: Clarification – PIP removed to separate section
Section 406.B.33: Clarification and add new disciplinary action due to changes in federal law
Section 406.C: Changes for clarification and consistency
Section 406.C.2: Remove Administrative Leave from Disciplinary Action Section as it is not a disciplinary action

Section 406.D: Changes for clarification and consistency and to address 2004 changes in FLSA law
Section 406.E: Changes for clarification and consistency
Section 406.F: Remove to separate section
Section 406.G: Create separate section for PIP and clarify process verbiage
Section 407: Section ID (407 to 409)
Section 408: Section ID (408 to 410)
Section 409: Section ID (409 to 411)
Section 410: Update to address ADA and FMLA requirements

Rule 5: Benefits

Section 501.B: Clarification due to PeopleSoft limitation
Section 502: Change to Vacation accrual schedule – increase 15 year accrual rate and add 20 year tier. Update Table I.
Section 504: Clarification of FMLA status while on Industrial Leave
Section 508.A: Update to address current practices with general leave
Section 508.B: clarification
Section 512.J: Update to address 2004 change in FSK

Rule 6: Employee Rights, Responsibilities, and Limitations

Section 602.A: Update to address 6 sided partnership
Section 606: Removal of reference to classified service
Section 607: Update requested by TSC
Section 612: Rewrite of rule to address federal requirements and changing technology issues

EXHIBIT A

Note: New information is underlined. Deleted information is ~~struck out~~.

Rule 1, Section 101.C.

C. Administrative Memoranda

All Administrative Memoranda shall be approved by the City Council. Wherever there is a conflict between this resolution and an Administrative Memorandum, this resolution shall prevail. Administrative Memoranda may be amended or changed by the City Council at any time in accordance with Ordinance 88.53 and the charter of the City of Tempe. Administrative Memoranda will be submitted for review to Representatives of the Tempe Officer's Association, United Phoenix Firefighters Association Local 493, Tempe Chapter, the Tempe Supervisors' Council, the Tempe Employees' Council, and the Senior Management Team, the Service Employees International Union (SEIU) Local 5, and any other official employee organization recognized by the City Manager under Tempe City Code 2-400 Et Seq.

REASON FOR CHANGE/S:

To include the Senior Management Team and the SEIU Local 5 in the 6-sided Partnership

Rule 1, Section 104.A.

4. Staff Positions as Determined by the City Manager

See Administrative Memorandum—Unclassified Service

With the exception of the Mayor's Chief of Staff, the Executive Assistant to the City Manager/Mayor I/II and the Mayoral/Council Aide I/II classifications, all other unclassified staff positions as determined by the City Manager will be subject to the City's recruitment and selection rules (Rule 3, Sections 302 & 304.)

All unclassified staff positions are not subject to the City's rules governing reinstatement, (Rule 3, Section 305), probation, (Rule 3, Section 306), layoff, (Rule 4, Section 403) rights of appeal, (Rule 4, Section 406), or grievance procedures, (Rule 6, Section 605).

All unclassified staff positions are subject to the City's rules governing promotion (Rule 2, Section 202.D) and step increases (Rule 2, Section 202. E.)

The City Manager is authorized to negotiate a severance agreement with an unclassified employee before involuntary separation of service or resignation at the request of management, in accordance with the Tempe City Code, Article II, Section 2-19.

~~5. Consultants, Contractors & Legal Counsel~~

~~Consultants, independent contractors, and legal counsel rendering professional services.~~

5. Temporary Employees

Temporary employees hired to perform a job which is limited in nature are not to exceed twenty-four (24) months of employment except under special circumstances with the approval of the Human Resources Manager. ~~Temporary employees who are limited to less than twenty (20) work hours per week of employment are not subject to the twenty-four (24) months of employment limitation.~~ Extended appointments are restricted to positions which require a considerable period of training and preparation, where a change of personnel would have an adverse effect on the program, or which are funded by non-City money, (e.g., state and federal grants), or to those temporary employees employed by the Community Services Department in a seasonal, recreational capacity.

~~—Temporary employees employed by the Community Services Department in a seasonal, recreational capacity may exceed twelve (12) months of employment in duration.~~ Supervisors should limit the hours worked to less than twenty (20) hours per week unless services and/or programs would be negatively impacted.

Temporary employees who work twenty (20) or more hours per week for more than twenty (20) weeks in a fiscal year are required to contribute to the Arizona State Retirement System.

Temporary employees are not governed by Rule 3, Sections 302, 304, 305 and 306; Rule 4, Section 403 and 406, and Rule 6, Section 605.

6. Temporary Employees Filling In for Regular Employees on Long-Term Disability, Industrial Accident Leave, or Extended Leave Without Pay

If the temporary assignment lasts for more than six (6) months, these employees receive the same insurance and paid leave as regular employees, beginning the seventh month of their employment. However, they remain “unclassified” and temporary for all other purposes.

7. **New Probationary Employees**

Probationary employees are not governed by Rule 3, Section 305; Rule 4, Section 403 and 406; and Rule 6, Section 605.

(See Section 306, Probation.)

REASON FOR CHANGE/S:

Clarification of application of rules for unclassified staff positions, inclusion of section 104.B. and time frames for temporary employment. Removal of Subsection 5 – not necessary.

Rule 1, Section 104.B.

~~B. Rules and Sections Not Applying to Unclassified Employees~~

~~The following Rules and Sections do not apply to unclassified employees:~~

~~1. Rule 3. Employment~~

~~Section 302. Recruitment~~

~~Section 304. Selection~~

~~Section 305. Reinstatement~~

~~Section 306. Probation~~

~~2. Rule 4. Employee Status~~

~~Section 403. Layoff~~

~~Section 406. Subsections L through O~~

~~3. Rule 6. Employee Rights, Responsibilities and Limitations~~

~~Section 605. Grievance Procedure~~

REASON FOR CHANGE/S:

Section deleted – specifics now included in previous Section 104.A.4. 104.A.5. and 104.A.7.

Rule 2, Section 202.C.

A. Salaries Determined by the City Manager

The City Manager establishes guidelines for salary increases. Compensation is an administrative decision and is not subject to appeal to the Merit System Board.

Special step increases may be granted with approval of the City Manager unless the employee is at the maximum of his or her salary range.

~~Based on City policy and practice established pursuant to principles of public accountability, e~~Exempt employees (those exempt from the provisions of the Fair Labor Standards Act) may have their pay subject to deductions for absences of ~~less than a day~~, after all available accrued leave has been exhausted, in accordance with current federal law under the Fair Labor Standards Act.

REASON FOR CHANGE/S:

To address 2004 changes to the Federal FLSA laws.

Rule 2, Section 202.E.

E. Salary Step Increases

New employees shall receive a five percent (5%) step increase after successfully completing their probation. In July, following the completion of their initial probation, new classified, non-sworn employees who meet job standards are eligible to receive a pro-rated step increase based upon the month he or she successfully completed his or her probation as indicated in the following chart:

If probation was completed in:	% of Pro-rated Step Increase:
July	5.0%
August	4.6%
September	4.2%
October	3.8%
November	3.3%
December	2.9%
January	2.5%
February	2.1%
March	1.7%
April	1.3%
May	1.0%
June	0.0%

In July, employees who have not been on original probation during the previous twelve (12) months and who meet job standards are eligible to receive a five percent (5%) step increase up to the maximum of his or her salary range maximum.

~~An employee who is currently on a Performance Improvement Plan (PIP) or has been on a Performance Improvement Plan (PIP) within the previous twelve (12) months may receive a full or partial step increase at the discretion of the Department Manager.~~ Salary step increases for unclassified employees shall be approved by the City Manager.

REASON FOR CHANGE/S:

To make the rule consistent with City practice.

Rule 2, Section 202.H.

H. Exempt Employees

Exempt employees (those exempt from the provisions of the Fair Labor Standards Act) may have their pay subject to deductions for absences after all available accrued leave has been exhausted, in accordance with current federal law under the Fair Labor Standards Act.

REASON FOR CHANGE/S:

To address 2004 changes to the federal FLSA laws.

Rule 2, Section 202.I.

I. Cost-of-Living Adjustments

If the City Council establishes a cost-of-living increase, all regular non-sworn union employees are may be eligible to receive a cost-of-living the increase as determined by the City Council. All cost-of-living adjustments increases shall be effective the first pay period beginning after July 1, unless otherwise specified. Employees on original ~~or promotional~~ probation ~~or who are currently on a Performance Improvement Plan~~ are eligible to receive a cost-of-living ~~range adjustment~~ increase. The salary range of each classification shall be adjusted based on the cost-of-living adjustment increase.

REASON FOR CHANGE/S:

Clarification and update

Rule 2, Section 204.J.

J. Temporary Detail

Employees may be temporarily assigned to a higher-grade classification upon recommendation of the Supervisor and with approval of the Employee and Department Manager. Eligible employees shall receive a minimum of five percent (5%) above their regular salary for the duration of the temporary detail. In special circumstances, a department manager may authorize the placement of the employee at the minimum of the salary range for the higher classification based upon the scope and degree of the duties performed and the duration of the assignment.

1. The Supervisor will determine when temporary detail pay may be appropriate. The employee must fully perform the duties and responsibilities of the higher classification ~~for the duration of a work shift a~~ minimum of one full work day to receive temporary detail pay. Employees providing emergency services shall be paid temporary detail pay if they work four (4) hours or more in a higher-classified position.
2. Temporary detail pay is limited to six (6) months. An extension may be requested in writing to the Human Resources Manager. Human Resources must be notified of all temporary detail assignments lasting longer than two (2) pay periods.

REASON FOR CHANGE/S:

Clarification of rule and of time frame (work shift)

Rule 3, Section 301.B.

B. Position Requirements

Council appointees, the Assistant City Manager, the Police Chief, the Fire Chief and department managers for Public Works, Water Utilities and Human Resources shall be residents of Tempe within a time period after their appointment date designated by the City Council or the City Manager, respectively.

REASON FOR CHANGES:

Removes requirement for residency for all department managers except those specified. Requested by City Manager and accepted by the Six-Sided Partnership.

Rule 3, Section 301.D.

D. Relatives in the Workplace

Regular employees who are related as defined below are not allowed to work for the same immediate supervisor or have reporting authority or administrative responsibility over one another in the chain of command. If such a situation is

created by marriage, or by the establishment of a domestic partner relationship, one party shall submit a request to the Human Resources Manager for transfer. If a transfer cannot be made within ninety (90) days, one employee must resign from City service and may choose to be placed on a lay-off list.

Relatives are defined as follows:

Spouse	Uncle
Domestic Partner*	Parent (in-law & step)
Child (in-law & step)	Sister (in-law, half & step)
Grandparent	Brother (in-law, half & step)
Grandchild	Nephew
Aunt	Niece

*Domestic Partner is defined as a person of the same or opposite sex whom:

1. Shares your permanent residence, and
2. Has resided with you for no less than ~~1-year~~ six (6) months, and
3. Is no less than 18 years of age, and
4. Is not a blood relative to ~~which~~ whom marriage would be prohibited in the State of Arizona, and
5. Is financially interdependent with you and has proven such by either:
Common ownership of real property ~~or~~
~~Common leasehold interest in such property.~~

OR two of the following:

1. Common ownership of a motor vehicle;
2. Joint bank or credit account;
3. Designation as a beneficiary for life insurance, retirement benefits, or under your partner's will; or
4. Assignment of a durable power of attorney

In order to include a domestic partner in the definition of a relative, the employee must submit to Human Resources a completed Domestic Partner Affidavit.

~~E.~~ Relatives in the Workplace

~~Relatives are not allowed to work for the same immediate supervisor or have~~

~~reporting authority or administrative responsibility over one another in the chain of command. If such a situation is created by marriage, or by the establishment of a domestic partner relationship, one party shall submit a request to the Human Resources Manager for transfer. If a transfer cannot be made within ninety (90) days, one employee must resign from City service and may choose to be placed on a lay-off list.~~

E. Temporary Employment

No parent, spouse, domestic partner, or child of a regular employee or City Council ~~person~~ member can be hired as a temporary employee within the same department. The following exceptions are exempt from this restriction:

Exceptions:

1. Parents, spouses, domestic partners, children of regular employees or City Council ~~men~~ members enrolled in educational programs such as Cooperative Office Education, Work Study, or University internships.
2. City of Tempe employees who retired in good standing from the City and who are spouses, domestic partners, or parents of active, regular employees.
3. Temporary employees who were hired prior to a relative that was hired as regular employee will not be asked to resign.

F. Loyalty Oath

Every City employee shall take the oath or affirmation as prescribed by state law.

G. Background Investigations

The Human Resources Manager or designee and the City Manager shall, in accordance with state and federal privacy and security laws, examine criminal history information from and through the Arizona Department of Public Safety and the Federal Bureau of Investigation and driving records through the Arizona Department of Motor Vehicles, concerning any employee or candidate for appointment to City Service and prospective volunteers who will either be in direct contact with minors or incapacitated adults while not under direct supervision of a regular City employee or a prospective public safety volunteer as authorized by A.R.S. §41-1750 and Tempe City Code §2-138.

REASON FOR CHANGES:

Subsection E moved under subsection D for clarification. Update for change already

effective regarding length of time required for domestic partner status.

Rule 3, Section 304

D. External Recruitment

Qualified candidates shall be listed alphabetically on all employment lists, and selection may be made from anywhere on the list. A department may select candidates off an existing unexpired external eligibility list for a higher level classification within the same classification series than the position that is being recruited within the same classification series. For example, a department may interview and/or hire a candidate on an existing unexpired external eligibility list for an Administrative Assistant II even though the open position is for an Administrative Assistant I.

When an internal recruitment establishes an eligibility list with ~~three (3)~~ four (4) or fewer names, the Department Manager may elect to supplement that list through an external recruiting process with City Manager approval.

REASON FOR CHANGES:

Requested by the City Manager and approved by the 6-Sided partnership

Rule 3, Section 305.A.

A. Reinstatement List

Regular employees who resign from City service after completing their probationary period may request in writing to the Human Resources Manager to be placed on a reinstatement list. Upon approval of the Department Manager, an employee's name shall be put on a reinstatement list(s) for the position occupied at time of resignation or lower position classes within the same classification series contingent upon the following:

1. Employees may be reinstated within one (1) year of their termination date.
2. Candidates on a reinstatement list may be subject to further testing.
3. Employees who accept reinstatement to any position in City service have their names removed from all other reinstatement lists.
3. ~~Employees who resign during their promotional probationary period are not eligible for reinstatement to that position or class. Employees may be reinstated to the position occupied before promotion.~~
- ~~5.4.~~ Employees reinstated after thirty (30) days, but less than one year, shall be of sufficient mental and physical condition to be able to meet the performance requirements of the position for which they may be reinstated. The physical and mental requirements of persons re-entering

City employment may be evaluated by physicians approved by the City in accordance with Rule 3. Section 301.C.

REASON FOR CHANGE:

The City no longer utilizes a promotional probationary period.

Rule 3, Section 305.E.

E. ~~Arizona State Retirement System (ASRS)~~

~~Employees who retire under one of the state sponsored retirement plans are not covered under the reinstatement provision.~~

REASON FOR CHANGE/S:

Not consistent with practice

Rule 3, Section 306.D.

D. New & Promoted Employees

New employees may be suspended, demoted, dismissed or subject to a pay reduction without the right of an administrative review or appeal to the Merit System Board during their entrance probationary period.

~~A promoted employee who performs unsatisfactorily or voluntarily elects to return is involuntarily demoted or seeks voluntary demotion to his or her former position before completion of the promotional probationary period may do so upon approval of the Department Manager. The Department Manager, or designee, will notify Human Resources prior to completion of an employee's unsuccessful promotional probationary period. The employee or other position with a lower salary range within six (6) months of being promoted shall return to the rate of pay he or she was receiving prior to promotion, including any cost-of-living adjustments that may have occurred. Probationary employees demoted to a former position have the right to an administrative review, but may not appeal to the Merit System Board. (See also Section 406, Disciplinary Action/Employee Performance Improvement Process.)~~

A promoted employee who is laid off within six (6) months of being promoted may be entitled to return to the position he or she held prior to his or her promotion depending on his or her seniority and in accordance with the City's Layoff Policy. (See also Section 403. Layoff)

REASON FOR CHANGE:

Removal of references to promotional probationary period and clarification of Rule 3, Section 309.A.

Section 309: Release of Employment Information and Public Access to Personnel Files

A. ~~Non-Sworn Police Personnel~~

Non-Sworn Employees and Sworn Fire Personnel

All inquiries requiring a response for information on current or former employees or applicants must be referred to the Human Resources Manager or designee. Departments shall not release any information on any current or former employee of the City, and applicant for employment, unless first authorized by the Human Resources Manager or designee, or as required by law.

~~The Human Resources Manager or designee can release only specific types of information on current or former employees of the City.~~

The following information ~~is public record and~~ shall be disclosed upon request:

1. Name
2. Job Title
3. Department
4. Supervisor's Name
5. Date(s) of Employment
6. Salary

~~Arizona Revised Statute (ARS 39-123) prohibits the disclosure of the home address or home telephone number of a current Prosecutor, except as authorized by law.~~

Information pertaining to driving records and drug and alcohol testing of employees who are required to have Commercial Drivers Licenses shall be released in accordance with 49 CFR §382.413, §391.23 and §40.81. The Human Resources Manager or designee shall respond to requests for information or records from employees' personnel files in accordance with Arizona's public records laws

B. Sworn Police Personnel Only

In addition to items 1-6, Arizona Revised Statute (ARS 41-1828.01) requires the City of Tempe to advise a requesting Arizona law enforcement agency of an employee's or an applicant's known misconduct in violation of the rules for retention. The City of Tempe Police Department's Internal Affairs Bureau will be

responsible for responding to those requests.

~~UNDER NO CIRCUMSTANCES SHALL AN EMPLOYEE'S ORIGINAL PERSONNEL FILE BE SHOWN TO ANY OTHER AGENCY'S REPRESENTATIVES; NOR WILL COPIES OF THE MATERIAL CONTAINED IN AN EMPLOYEE'S PERSONNEL FILE BE PROVIDED TO AN OUTSIDE AGENCY, UNLESS AN EMPLOYEE HAS SIGNED A WAIVER OR UNLESS REQUIRED BY LAW.~~

Under no circumstances shall an employee's original personnel file be shown to any other agency's representatives; nor will copies of the material contained in an employee's personnel file be provided to an outside agency, unless an employee has signed a waiver or unless required by law.

Arizona Revised Statute (ARS 39-123) prohibits the disclosure of the home address or home telephone number of a current peace officer except as authorized by law. This restriction also applies to a photograph of a peace officer who is serving in an undercover capacity or is scheduled to serve in an undercover capacity within sixty (60) days.

Any additional information that is required or requested by prospective employers, attorneys, law enforcement personnel, other state or federal agencies, the media, and any others should be referred to the Human Resources Manager or designee for review ~~on a case-by-case basis and response in~~ accordance with Arizona's public records laws.

REASON FOR CHANGE/S:

Incorrect subsection title, legal updates for consistency with Arizona public records law
Rule 3

Section 310. Drug-Free Workplace

A. Policy/Philosophy

The City of Tempe recognizes that the use of alcohol or drugs ~~will may~~ inhibit a person from performing duties safely and effectively. It is the City's responsibility ~~intention~~ to maintain a safe, healthful, and productive work environment for all employees.

Employees are prohibited from possessing, purchasing, manufacturing, distributing, using, or selling alcohol, unauthorized drugs or controlled substances, ~~abusable drugs~~ or any other intoxicants on City property, while operating City equipment or while performing City duties unless specifically authorized to do so.

Employees, whose ~~off-duty~~ use or possession of alcohol or drugs adversely

affects job performance, safety, or the City's reputation, shall be subject to disciplinary action up to and including termination.

As a condition of continued employment, an employee convicted under a criminal drug or alcohol ~~for conduct occurring in the workplace~~ statute must report that conviction to his or her department manager no later than five (5) days after ~~such~~ the conviction.

B. Drug and Alcohol Testing and Responsibilities for Commercial Drivers License (CDL) Holders

1. Applicability

This part is issued pursuant to the Federal Highway Administration's (FHA) Controlled Substances and Alcohol Use Rule (49 CFR, Sections 382, 391, & 40). The section's purpose is to establish programs designed to help prevent accidents and injuries resulting from the misuse of alcohol or controlled substances by drivers of commercial motor vehicles, and to set forth CDL employer and employee responsibilities.

This rule shall apply to all employees who are required on a regular, intermittent, or occasional basis, to satisfactorily perform duties, which demand the possession of a Commercial Drivers License (CDL).

2. Controlled Substances Tested for Under the Rule

- Marijuana
- Cocaine
- Opiates
- Phencyclidine (PCP)
- Amphetamines (including methamphetamines)
- Alcohol

City policy requires employees who use any prescribed or over-the-counter substance that may impair their ability to satisfactorily perform a safety-sensitive function, to notify their supervisor before starting their shift. The supervisor may require written notification by a physician stating that the drug does not affect the driver's ability to safely operate a commercial motor vehicle.

Safety-sensitive function means all time from the time a driver begins to work or is required to be in readiness to work until the time she or he is relieved from work and all responsibility for performing work.

Safety-sensitive functions shall include:

- (1) All time at an employer or shipper plant, terminal, facility, or other

property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;

- (2) All time inspecting equipment, or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- (3) All time spent at the driving controls of a commercial motor vehicle in operation;
- (4) All time, other than driving time, in or upon any commercial vehicle except time spent resting in a sleeper berth;
- (5) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- (6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

3. Types of Tests Required

All persons covered under this section shall undergo a National Institute on Drug Abuse (NIDA) drug test for controlled substances. The following types of testing for controlled substances or the misuse of alcohol must be conducted:

a. Pre-employment/Pre-placement Testing

Before the first time a driver performs a safety-sensitive function for the City, he or she must undergo testing for controlled substances. Any potential driver who tests positive for controlled substances shall not be hired. Pre-employment testing also pertains to current employees who transfer or are promoted into a position covered by this policy. Any potential driver who refuses a pre-employment/pre-placement test shall not be hired.

b. Drug and Alcohol Testing Based on *Reasonable Suspicion*

When a driver, by observation or report of the driver's behavior, is reasonably suspected of prohibited conduct, the driver shall be ordered to submit to a controlled substances and alcohol test.

The decision to require a test for reasonable suspicion will be Based upon objective observation, by one or more supervisors who have received reasonable suspicion training of at least sixty (60) minutes for alcohol misuse and sixty (60) minutes for controlled substances use, and who have been

appropriately trained to determine if reasonable suspicion exists.

Reasonable suspicion shall be based on specific, describable observations concerning the appearance, behavior, and speech or body odors of the driver. Specific types of physical signs or behaviors that constitute grounds for reasonable suspicion ~~may include~~ are included on the “Drug and/or Alcohol Reasonable Suspicion Checklist” form that can be downloaded from the Human Resources Intranet website.

- ~~Slurred speech~~
- ~~Odor of alcohol or marijuana on person~~
- ~~Glazed or red eyes~~
- ~~Dilated pupils~~
- ~~Inability to walk a straight line~~
- ~~Staggering~~
- ~~Drowsiness~~
- ~~Incoherent conversation~~
- ~~Physical or verbal altercation~~
- ~~Unexplained performance deterioration~~
- ~~Increased carelessness~~
- ~~Pattern of absenteeism, which is defined as consistent use of sick leave on the first day of an employee’s workweek, or the last day of an employee’s workweek, or before or after holidays.~~
- ~~Excessive absenteeism~~
- ~~Inability to perform job functions~~
- ~~Unusual or erratic behavior~~
- ~~An accident or injury or history of accidents or injuries in which the actions of the employee apparently caused or cannot be discounted as having caused the accident or injury, or~~
- ~~Any behavior, which is inconsistent with professional conduct on the job or which suggests any use of drugs or alcohol, which negatively impacts job performance.~~

To assist supervisors in their observations, a “Drug and/or Alcohol Reasonable Suspicion Checklist” should be completed. If available, another supervisor who has completed the reasonable suspicion training can assist in the observations. Supervisors may also take into account statements from others.

The supervisor shall obtain the approval of his or her department manager or designee AND the Human Resources Manager, or designee, before referring any employee for reasonable suspicion drug and/or alcohol testing.

The City considers signatures from these parties on the “Drug and/or Alcohol Reasonable Suspicion Checklist” as official approval.

Once it is determined to refer an employee for a reasonable suspicion drug

and alcohol test, the employee shall be given the opportunity to sign an "Authorization for Drug/Alcohol Testing Form" before the supervisor transports the employee for testing. The form can be downloaded from the Human Resources Intranet website.

An employee's refusal to submit to the reasonable suspicion test will be grounds for disciplinary action up to and including termination.

Any employee reasonably believed to be under the influence of alcohol or drugs shall be prevented from engaging in further work. The employee's supervisor or appropriate designee shall be available to transport the employee to the drug-testing facility and home. The employee shall not be allowed to return to work until results have been obtained.

c. Post Accident Testing

A controlled substances and alcohol test shall be conducted within thirty-two (32) hours and eight (8) hours, respectively, on each driver of an accident involving a commercial motor vehicle when:

- (1) There is a loss of life, or
- (2) The driver receives a citation for a moving traffic violation arising from the accident, or
- (3) There is an injury requiring treatment away from the scene of the accident, or
- (4) A vehicle is required to be towed away from the scene, or
- (5) If it appears the drivers may have been at fault, when the actions of the employee apparently caused, or cannot be discounted as having caused, an accident.

This section does not require the delay of necessary medical attention for the injured people following an accident, or prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary care.

A driver who is subject to post-accident testing must remain readily available for such testing, or the City may consider the driver to have refused to submit for testing. The driver subject to post-accident testing must refrain from consuming alcohol for eight (8) hours following the accident, or until he or she submits to an alcohol test, whichever comes first.

If an **alcohol** test required by this section is not administered within two (2) hours following the accident, the employer shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required by this section is not administered within eight (8) hours following the accident, the employer shall cease attempts to administer an alcohol test and shall prepare and maintain the same record.

If a **controlled substances** test required by this section is not administered within thirty-two (32) hours following the accident, the employer shall cease attempts to administer a controlled substances test, and prepare and maintain on file a record stating the reasons the test was not promptly administered.

d. Random Testing

Random alcohol testing shall be administered at a minimum annual rate of ten percent (10%) of the average number of employees required to have a CDL for which this rule applies under B. 1.

Random controlled substances testing shall be administered at a minimum annual rate of fifty percent (50%) of the average number of employees required to have a CDL for which this rule applies under B. 1.

The minimum percentage of testing may be changed when required by federal law.

Random testing will be unannounced, will be performed at the time the driver reports to work, during the work day, at the end of the work day or while on call, and will be spread reasonably throughout the calendar year.

Drivers must report to the test site, accompanied by a supervisor, immediately upon being advised of their selection for a random test.

e. Return-to-Duty Testing

After engaging in prohibited conduct regarding alcohol and/or controlled substance use, the driver shall undergo a return-to-duty test indicating a breath alcohol concentration of less than .02, and/or a negative controlled substances test before returning to duty requiring the performance of a safety-sensitive function.

f. Follow-up Testing

Following determination that a driver is in need of assistance in resolving problems associated with alcohol misuse or controlled substance use, that driver is subject to unannounced follow-up alcohol and/or controlled substances testing as directed by the Substance Abuse Professional (SAP), which is defined as a drug and/or alcohol counselor as designated through the City's Employee Assistance Program (EAP).

The driver shall be subject to a minimum of six (6) follow-up tests for controlled substances and/or alcohol in the first twelve (12) months. Follow-up testing shall not exceed sixty (60) months from the date of the driver's return to duty.

4. Commercial Driver's License (CDL) Holder Responsibilities

a. Upon hire and before performing any safety sensitive function, each new CDL driver shall be provided training and materials regarding the Drug and Alcohol Testing Program. The materials cover the employer and employee responsibilities under the policy. In addition, each new driver is required to sign a CDL Alcohol and Drug Testing Training Form.

- (1) Each driver is required to notify designated City personnel within thirty (30) days of any State or local traffic violation (other than parking violations), for which the driver has been convicted or found responsible, or for which he or she has forfeited bond or collateral.
- (2) In addition, each driver shall furnish the City with a list of all violations of motor vehicle traffic laws and ordinances (other than parking violations) for which the driver has been found responsible, or for which he or she has forfeited bond or collateral during the preceding twelve (12) months, but only if he or she did not provide each violation individually as specified in (1), above.
- (3) At least once every twelve (12) months, Human Resources is required to inquire into the driving record of each driver the City of Tempe employs.

a.b. The City shall determine whether or not each driver meets the minimum requirements for safe driving, based on the information received as specified in (1.), (2.), and/or (3.) as stated above. The decision shall be based on any evidence that the driver has violated laws governing the safe operation of any motor vehicle, including speeding, reckless driving, and operating a vehicle while under the influence of alcohol and drugs. Employees may be subject to disciplinary action up to and including termination in accordance with

b.c. Medical or Physical Conditions of Drivers

If the City becomes aware of a driver who has any condition that may disqualify him or her from driving a Commercial Motor Vehicle (as per the physical qualifications for drivers in regulation 391.41), the City is required to notify the Arizona Motor Vehicle Division under Arizona Administrative Code R17-4-502. The driver may be required to receive a Skill Performance Evaluation Certificate from the State or Federal Motor Carrier Safety Administration before he or she may continue performing safety sensitive functions.

C. Drug and Alcohol Testing and Responsibilities for ~~Non-Commercial Driver's License (CDL) Holders~~ all other City Employees

1. Fitness for Duty Standards

For purposes of this policy, "under the influence of drugs" shall mean the presence of a controlled substance as reflected by a positive drug test. "Under the influence" of alcohol shall mean either obvious impairment due to alcohol consumption or a test result reflecting blood alcohol content of .04 or greater.

An employee who is using any prescribed or over-the-counter substance, which may impair his or her ability to satisfactorily perform his or her job duties, must notify his or her supervisor **before** starting work. The supervisor may require written notification by a physician stating that the drug does not affect the employee's ability to safely perform any of the essential functions of their position, including driving a City vehicle.

2. Types of Tests Required

a. Pre-employment/Pre-placement

All persons who have received a contingent offer of employment with the City of Tempe shall undergo a panel 5, non-NIDA drug test for controlled substances per the Drug-Free Workplace Policy. Employees hired from a reinstatement list ~~may~~ shall also be screened. Temporary employees ~~may~~ shall be screened every two (2) years.

Employees returning to an active status from inactive status due to leave under the provisions of the Family Medical Leave Act (FMLA), Long-Term Disability (LTD), or Industrial Accident Leave are exempt from this requirement.

Candidates shall be required to sign a "Pre-Employment Drug Screen Consent Agreement" and complete the screening within twenty-four (24) hours of the notice to test, or the employment offer shall be withdrawn. Candidates under the age of eighteen (18) are required to have a parent sign the consent form before screening will be administered. Candidates who refuse to submit to screening will be treated the same as a candidate with a positive drug screen.

Out of state candidates may complete their drug screen at an authorized drug testing facility approved by the Human Resources Department.

b. Reasonable Suspicion Standard for Drug/Alcohol Testing

As per City of Tempe Personnel Rule 4. Section 406,A.10- based on reasonable suspicion, any employee shall be required to undergo an intoximeter breath test, blood, urinalysis, hair, saliva or any other appropriate test to detect and substantiate the presence of drugs and/or alcohol.

Reasonable suspicion is based on, but not limited to, specific observations concerning the appearance, behavior, and speech or body odors of the employee. For specific types of physical signs or behaviors, which would constitute grounds for reasonable suspicion, see the Drug and Alcohol Testing and Responsibilities for Commercial Drivers (CDL) License Holders – Reasonable Suspicion.

The decision to require a test for reasonable suspicion will be based upon objective observation, by one or more supervisors who have received reasonable suspicion training of at least sixty (60) minutes for alcohol misuse and sixty (60) minutes for controlled substances use, and who have been appropriately trained to determine if reasonable suspicion exists.

Reasonable suspicion shall be based on specific observations concerning the appearance, behavior, and speech or body odors of the employee. Specific types of physical signs or behaviors that constitute grounds for reasonable suspicion are included on the "Drug and/or Alcohol Reasonable Suspicion Checklist" form that can be downloaded from the Human Resources Intranet Website.

Supervisors may take into account statements from others.

To assist supervisors in their observations, a "Drug and/or Alcohol Reasonable Suspicion Checklist" should be completed. If available, another supervisor who has completed the reasonable suspicion training can assist in the observations. Supervisors may also take

into account statements from others.

The supervisor shall obtain the approval of his or her department manager or designee AND the Human Resources Manager, or designee, before referring any employee for reasonable suspicion drug and/or alcohol testing. The City considers signatures from these parties on the "Drug and/or Alcohol Reasonable Suspicion Checklist" as official approval.

Once it is determined to refer an employee for a reasonable suspicion drug and alcohol test, the employee shall be given the opportunity to sign an "Authorization for Drug/Alcohol Testing Form" before the supervisor or designee transports the employee for testing. The form can be downloaded from the Human Resources website.

An employee's refusal to submit to the reasonable suspicion test will be grounds for disciplinary action up to and including termination.
~~Any employee reasonably believed to be under the influence of alcohol or drugs shall be prevented from engaging in further work. The employee's supervisor shall be available to transport the employee to the drug-testing facility and home. The employee shall not be allowed to return to work until results have been obtained. The employee shall be given an "Authorization for Drug/Alcohol Testing Form" to sign before the supervisor transports the employee for testing. The form may be obtained from the Human Resources website at www.tempe.gov/hradmin/Hrforms.htm.~~

The employee shall undergo an appropriate test to detect the presence of alcohol and/or drugs. All test results shall be treated in accordance with reasonable standards of privacy, and shall only be disclosed to the Human Resources Manager or designee(s), and individuals as determined by the Human Resources Manager or designee.

Any employee reasonably believed to be under the influence of alcohol or drugs shall be prevented from engaging in further work. The employee's supervisor or designee shall be available to transport the employee to the drug-testing facility and to facilitate the employee's return home. Employees who have been tested for reasonable suspicion should not be permitted to drive themselves home. The employee shall not be allowed to return to work until results have been obtained.

c. Post-Accident Testing

A controlled substances and alcohol test shall be conducted within thirty-two

(32) hours and eight (8) hours, respectively, on each driver of an accident involving a City of Tempe vehicle, excluding employees ~~which~~who drive Police and Fire Public Safety vehicles. A controlled substance and alcohol test may be conducted on employees who drive Police and Fire Public Safety vehicles at the Department Manager's discretion. To determine when a post-accident test should be administered, see ~~the Drug and Alcohol Testing and Responsibilities Rule 310.B.3c. Post-Accident Testing for Commercial Drivers (CDL) License Holders Section.~~

D. Disciplinary Action for Employees

Any confirmed positive drug or alcohol test constitutes a violation of Rule 4. Section 406.~~B.A.10.~~ The Department Manager shall determine the appropriate disciplinary action based on the facts of the situation.

A positive controlled substance test may result in discipline up to and including termination. The employee may be referred to a substance abuse professional for evaluation. The employee will be required to complete a return-to-duty test before returning to work, if applicable.

If the test for alcohol indicates a blood alcohol concentration of less than 0.02 during the screening test, the test will be considered negative and further testing will not be conducted.

If the test indicates a blood alcohol concentration of .02 or higher during the screening, a confirmation test will be conducted. If the confirmation test confirms a blood alcohol concentration of 0.02 or greater but less than 0.04, the employee will not be permitted to perform any work related functions for the City for at least 24 hours.

If the confirmation test confirms a blood alcohol concentration level of 0.04 or higher, it may result in discipline up to and including termination. The employee may be referred to a substance abuse professional for evaluation. The employee may be required to complete a return-to-duty test before returning to work, if applicable.

Any employee who fails to timely report to his or her department manager his or her own criminal drug or alcohol conviction shall be subject to discipline up to and including termination. ~~Employees disciplined for the aforementioned violations are subject to Rule 4. Section 406.C. through G.~~

Refusal to undergo the testing when ordered, or any tampering, switching or adulterating of test samples shall be considered insubordination constituting a violation of Rule 4. Section 406.~~B.A.4.~~ Refusal to undergo the testing process may result in termination.

Employees needing assistance in dealing with problems as a result of drug and/or alcohol use are encouraged to use the Employee Assistance Program (EAP) and health insurance plans, as appropriate, to obtain counseling and treatment. ~~The City of Tempe is committed to providing reasonable accommodation, including rehabilitation, to those employees whose drug or alcohol problem classifies them as disabled under federal law, providing this disability does not prevent the employee from safely, efficiently and satisfactorily performing the essential functions of the job.~~

REASONS FOR CHANGE/S:

Changes necessary for clarification and due to 2004 changes in federal law.

Rule 4

Section 406: Disciplinary Action/~~Employee Performance Improvement Process~~

A. Guidelines

The City Manager has authority to take disciplinary action against any classified or unclassified employee, except those appointed by the City Council. The City Manager may delegate this authority to any management employee for subordinate employees.

A process of progressive discipline is followed to ensure that classified employees are afforded adequate opportunity to correct unacceptable behavior. However, the seriousness of the offense may dictate overriding progressive discipline, and serious offenses may lead to immediate dismissal at any stage of the process.

B. Grounds for ~~Dismissal~~ Disciplinary Action

The following reasons constitute grounds for ~~dismissal~~ disciplinary action up to and including dismissal.

1. The employee lacks sufficient competency or efficiency to perform assigned duties and responsibilities.
2. The employee is unsafe to himself/herself, other employees, the public, or City property in the performance of duties and responsibilities; or the employee has frequently violated safety rules or practices.

REASONS FOR CHANGE/S:

Clarification and removal of Employee Performance Improvement Process to a separate section (proposed Rule 4, Section 407)

Rule 4, Section 406.B.33 (new)

31. The employee has deliberately and knowingly made false accusations against another employee, elected official, or board and commission member in order to discredit another employee, elected official, or board and commission member.
32. The employee has failed to report all criminal convictions prior to City employment within five (5) days of employment to the Human Resources Manager or designee.
33. The employee holds a Commercial Drivers License (CDL) or regular driver's license, and the employee's position requires them to drive, and the employee is convicted of an offense which results in the loss of their driving privileges in accordance with state and federal law.

~~Grounds contained in Section 406.B. also constitute grounds for other types of disciplinary actions as described in Section 406. Subsections C-D.~~

REASON FOR CHANGE/S:

Addition of reason for possible disciplinary action related to changes in federal DOT law.

Delete final sentence due to proposed changes for Section heading which will address this.

Rule 4, Section 406.C.

(Becomes Rule 4, Section 406.C.)

~~C. Disciplinary Actions Not Appealable to the Merit System Board~~

~~1. Written Reprimand~~

~~A written reprimand is an official notification to an employee that there is cause for dissatisfaction with the employee's job performance or that there is misconduct. The written reprimand is documented on the "Disciplinary Action" form and placed in the employee's personnel file in Human Resources. The immediate supervisor is responsible for written reprimands.~~

~~2. Administrative Leave~~

C. Administrative Leave

~~Administrative Leave is the *non-disciplinary* suspension of an employee with or without pay, to permit an investigation into matters concerning a possible disciplinary action. Administrative Leave is initiated by an employee's supervisor and approved by the Department Manager. During this period, the employee is considered to be on full duty and available to participate and aid in the investigation. Employees shall be accessible to City management via telephone and be available to meet with City personnel during regular business hours (Monday-Friday, 8:00 a.m. — 5:00 p.m.) If an employee is not going to be available at his or her home telephone number, the employee must let his or her supervisor know where he or she may be reached.~~

~~During Administrative Leave, an employee is prohibited from entering the City workplace, accessing the City's computer system, the City's Intranet site, and any other files, unless instructed to do so by his or her supervisor, department manager or designee, Human Resources Manager or designee, or City Manager or designee. When placed on Administrative Leave, an employee shall leave all keys, pass codes, and other means of access to City property with his or her supervisor. Reasons for placing an employee on administrative leave include, but are not limited:~~

- ~~a1.~~ To an internal review or investigation when the employee's presence on the job or at the work site would hinder the review or investigation, or
- ~~b2.~~ To a situation that is perceived to be of an urgent or serious nature in which the supervisor believes the employee should be immediately removed from his or her job, such as when the employee's presence would be detrimental to the public interest or the continued efficient operation of the City, or may create a safety issue for the employee, other employees or the public, or
- ~~c3.~~ To other extraordinary circumstances.

Administrative leave is initiated by an employee's supervisor and approved by the Department Manager or designee and the Human Resources Manager or designee.

During the period of administrative leave with pay, the employee is considered to be on full duty and available to participate and aid in any review or investigation. Employees shall be accessible to City management via home telephone and/or cell phone and be available to meet with City personnel during the employee's regularly scheduled business hours. If an employee is not going to be available for any reason, the employee must advise his or her supervisor and provide an alternate means whereby he or she may be reached.

During administrative leave, an employee is prohibited from entering onto City property, accessing the City's computer system, the City's Intranet site and any

other City files, unless instructed to do so by his or her supervisor, department manager or designee, the Human Resources Manager or designee, or the City Manager or designee.

An employee on administrative leave is accorded the right to contact at any time a designated City "safe haven" which includes the Human Resources Department, the City Attorney's Office, and/or the Diversity Department. When placed on administrative leave, an employee shall leave all keys, pass codes, and other means of access to City property with his or her supervisor.

An employee shall receive and sign an Administrative Leave Rights and Obligations Form at the time he or she is placed on administrative leave.

Administrative leave shall not extend beyond thirty (30) consecutive days, except in extraordinary circumstances and with the approval of the Human Resources Manager.

An employee, who fails to comply with this provision, or cooperate with an investigation or review, is subject to discipline up to and including termination.

~~An employee shall receive and sign an "Administrative Leave Rights and Obligations Form" at the time he or she is placed on Administrative Leave. Supervisors shall obtain approval from his or her department manager before placing an employee on Administrative Leave.~~

~~Administrative Leave shall not extend beyond thirty (30) consecutive days, except in extraordinary circumstances.~~

REASON FOR CHANGE/S:

This sub-section was previously included under disciplinary actions – it is not a disciplinary action. Other revisions are for further clarification.

Rule 4,Section 406.C.

(Becomes Rule 4, Section 406.D.)

C.D. Disciplinary Actions Not Appealable to the Merit System Board

1. Written Reprimand

A written reprimand is an official notification to an employee that there is cause for dissatisfaction with the employee's job performance or that there is misconduct. The written reprimand is documented on the "Disciplinary Action Form" and placed in the employee's personnel file in Human Resources. Written Reprimands are not appealable to the Merit System Board.

~~2. Administrative Leave~~

2. Disciplinary Suspension 40 Hours or Less

Disciplinary suspension of forty (40) hours or less (fifty-six (56) hours for Firefighters) is the temporary separation of an employee from City service without compensation.

A suspended employee receives written notification on a "Disciplinary Action Form" listing the specific charge(s), period of suspension, and administrative review and appeal rights, if any. The Human Resources Department is immediately provided the original suspension notice. Suspensions of forty (40) hours or less (fifty-six (56) hours for Firefighters) are not appealable to the Merit System Board.

a. Exempt Employees

Suspensions without pay for Exempt employees shall be administered in accordance with current federal law under the FLSA.

Exempt employees (those exempt from the provisions of the Fair Labor Standards Act) shall not be suspended without pay for disciplinary sanctions for a period of time less than 40 hours (48 hours for exempt Fire Department employees who work 48-hour workweeks) except for infractions of safety rules "of major significance."

Suspensions for exempt employees must occur within the same workweek. Safety rules of major significance are those [rules] and supervisory directives relating to the prevention of serious hazard, damage or danger to the City, its facilities, employees or the public.

b. Use of Vacation to Offset Suspension

An employee who has successfully completed his or her original probation may use accrued vacation leave to offset the hours of suspension with approval of the Department Manager. If an employee uses vacation leave to offset the hours of suspension, the employee shall still work the number of hours charged to his or her vacation leave. ~~All hours of suspension for an exempt employee must occur within the same workweek.~~

~~**c. Employee Rights**~~

~~Suspensions of forty (40) hours or fewer (fifty-six (56) hours for Firefighters) are not appealable to the Merit System Board.~~

3. Any other Disciplinary Action

Any other disciplinary actions not covered in Rule 4, Section 406.E. are not appealable to the Merit System Board

REASON FOR CHANGE/S:

Removed Section C.2. on Administrative Leave as this is not a disciplinary action. Other changes for clarification and consistency.

Rule 4, Section 406.D.

(Becomes Rule 4, Section 406.E.)

D.E. Disciplinary Actions Appealable to the Merit System Board

1. Disciplinary Suspension Greater Than 40 Hours

Disciplinary suspension of greater than forty (40) hours (forty-eight (48) hours for Fire Battalion Chiefs, and fifty-six (56) hours for Firefighters) is the temporary separation of an employee from City service without compensation.

A suspended employee receives written notification on a "Disciplinary Action" form listing the specific charge(s), period of suspension, and administrative review and appeal rights.

The Human Resources Department ~~is~~ shall be immediately provided with the original suspension notice—Disciplinary Action Form. ~~The Department Manager must approve suspensions.~~

a. Use of Vacation to Offset Suspension

An employee who has successfully completed his or her original probation may use accrued vacation leave to offset the hours of suspension with approval of the Department Manager. If an employee uses vacation leave to offset the hours of suspension, the employee shall still work the number of hours charged to his or her vacation leave.

b. Employee Rights

No employee shall be suspended for more than four (4) calendar weeks at any one time for any one offense without being terminated from employment.

A classified employee has the right to an Administrative Review (see 406.F.5) before being suspended for more than forty (40) hours (forty-eight (48) for Fire Battalion Chiefs and fifty-six (56) hours for Firefighters).

A classified employee may appeal suspensions of greater than forty (40) hours (forty-eight (48) for Fire Battalion Chiefs and fifty-six (56) hours for Firefighters) to the Merit System Board only after an Administrative Review is completed using and exhausting internal appeals.

2. Disciplinary Pay Reduction

Disciplinary pay reduction is the reduction of an employee's salary not to exceed ten percent (10%). The reduction may be permanent or temporary.

The disciplined employee receives written notice on a "Disciplinary Action" form listing the specific charge(s), period of pay reduction and amount, and ~~right of appeal~~ rights.

The Human Resources Department shall be immediately provided with the original Disciplinary Action Form.

a. Employee Rights

A classified employee has the right to an Administrative Review (see 406.F.5) prior to receiving a disciplinary pay reduction.

A classified employee may appeal a disciplinary pay reduction to the Merit System Board only after an Administrative Review is completed.

Temporary disciplinary pay reductions for exempt employees (those classified as exempt under the Fair Labor Standards Act) are not subject to disciplinary pay reduction except as authorized by law. shall be subject to current federal law under the Fair Labor Standards Act.

3. Involuntary Demotion

Involuntary demotion is the movement of an employee from one position to another position with a lower salary range maximum. The demotion may be permanent or temporary. ~~and shall be approved by the Department Manager.~~ The employee receives written notice on a "Disciplinary Action Form" listing the specific charge(s), review and appeal rights.

The Human Resources Department shall be immediately provided with the original Disciplinary Action Form.

a. Compensation

If the employee is demoted for disciplinary reasons, the reduction in pay ~~shall be is not~~ no less than five percent (5%).

b. Employee Rights

A classified employee has the right to an Administrative Review (see 406.F.5) prior to receiving an involuntary demotion.

A classified employee may appeal an involuntary demotion to the Merit System Board only after an Administrative Review is completed.

4. Dismissal

Dismissal is the discharge for cause of an employee from City service. The employee receives written notice on a "Disciplinary Action Form" listing the specific charge(s) and appeal rights.

The Human Resources Department shall be immediately provided with the original Disciplinary Action Form.

a. Employee Rights

A classified employee has the right to an Administrative Review (see 406.F.5) prior to having their termination upheld.

A classified employee may appeal a termination to the Merit System Board only after an Administrative review is completed.

b. Involuntary Resignation

Under certain circumstances as approved by the Department Manager or designee and the Human Resources Manager or designee, an employee who has been recommended for discharge, may be offered the opportunity to involuntarily resign. If the employee is offered this option and accepts, the employee waives all rights to further appeal through an Administrative Review and a Merit System Board hearing.

REASON FOR CHANGE/S:

Changes for clarification and consistency and to address changes in 2004 to federal FLSA law.

Rule 4, Section 406.E.

(Becomes Rule 4, Section 406.F.)

E.F. Employee Rights

1. Documentation

Documentation of all disciplinary actions should include details of the specific charges, an opportunity for the classified employee to explain the action or behavior, a specific description of the disciplinary action, and the consequences of continuation or recurrence of the performance and/or problem behavior.

Disciplinary suspensions of greater than forty (40) hours (fifty-six (56) hours for Firefighters and forty-eight (48) hours for Battalion Chiefs), demotion, disciplinary pay reduction and dismissal notices shall also outline the classified employee's right to an Administrative Review, appeal to the Merit System Board, and appeal to the City Manager.

2. Department Responsibility

Departments should fully complete a Disciplinary Action Form within thirty (30) calendar days of the incident or within thirty (30) calendar days from the time the Department first became aware of the incident; exceptions to the above shall be approved by the Department Manager. The original disciplinary action notice is placed in the classified employee's personnel file. Failure of the Department to timely complete the Disciplinary Action form shall not prejudice the propriety of the discipline.

3. Silent Witness

Upon request, classified employees may have a regular employee of the City present as a silent witness in any meeting in which discipline may result or the employee is discussing a Performance Improvement Plan (PIP) or Individual Development Plan (IDP) with a supervisor. Employees will be given up to one and a half (1 ½) hours to arrange for a silent witness to be present except when exigency or safety concerns may prohibit that.

4. Personnel File

Employees have the right to review their own personnel file maintained in Human Resources and/or maintained by their supervisor. If the employee objects to any document(s) other than those required by federal or state law, or City ordinance including the Tempe Personnel Rules and Regulations and administrative policies, the employee has the right to place a Memo to File in their personnel file documenting their objections.

5. Administrative Review

An Administrative Review provides an opportunity for a classified employees to meet with ~~a the~~ department manager, who has the authority to review ~~impose~~ the proposed discipline before the final decision is made.

Employees who have been notified of a proposed suspension of greater than forty (40) hours (fifty-six (56) hours for Firefighters), disciplinary pay reductions, demotion, or dismissal are eligible, upon their request, for an

Administrative Review with the Department Manager. While the review would normally be conducted by the employee's department manager, the employee may request that the City Manager designate a department manager from another city department to conduct the review.

This review is a personal meeting with a ~~the~~ department manager to provide the employees an opportunity to submit any additional information or evidence, facts or mitigating circumstances pertinent to the disciplinary action. After being notified of the type of disciplinary action proposed, a classified employees wanting an Administrative Review must contact the appropriate department manager's office by 5:00 p.m. on the next succeeding business day to arrange for an appointment.

6. Merit System Board Hearing

A Merit System Board hearing may be requested by a classified employees who ~~has~~ have received a disciplinary suspension greater than forty (40) hours (fifty-six (56) hours for Firefighters), a disciplinary pay reduction, a demotion, or a dismissal. A hearing before the Merit System Board is allowed only after a classified employees ~~have used and exhausted all other rights of review and appeal~~ has completed an Administrative Review with a department manager and been advised of the final decision. (See also Section 105, Merit System Board.)

The request for a hearing from a classified employee shall be in writing and submitted to the Human Resources Manager within seven (7) calendar days following the final decision by a department manager after the Administrative Review.

An appeal to the City Manager may be made by a classified employees following a Merit Board hearing resulting in a recommendation to uphold a disciplinary suspension longer than forty (40) hours (fifty-six (56) hours for Firefighters), a disciplinary pay reduction, a demotion, or a dismissal. The request for an appeal shall be in writing and submitted to the City Manager within three (3) business days following notification of the Merit System Board recommendation. The decision of the City Manager is final and binding.

7. Involuntary Resignation in Lieu of Discharge

Employees who have been discharged from City service or have involuntarily resigned in lieu of being discharged, for a reason other than an inability to satisfactorily perform the essential functions of their job, are not eligible to be rehired in any capacity by the City of Tempe.

REASON FOR CHANGE/S:

Clarification and consistency. Addition of option for other department manager in Administrative Review consistent with recent practice.

Rule 4, Section 406.F.

(Becomes Rule 4, Section 407)

Section 407. Mediation

Mediation is a tool available to all city employees to assist in resolving conflict. It is a non-disciplinary, voluntary, informal process that allows two (2) or more people who are having differences to sit down with a neutral third party to consider possible solutions.

Mediators do not take sides or decide how an issue will be resolved, nor do mediators investigate any charges. The mediator may suggest possible resolutions, but the parties control the outcome.

All mediations shall be kept confidential to the extent permitted by law, except as is necessary to be disclosed to others on a need-to-know basis:

- due to physical or sexual abuse;
- where a danger exists to self or others; or
- to implement any resolution reached by the parties.

All City personnel who are involved with or are aware of mediations are expected to maintain the same level of confidentiality.

REASONS FOR CHANGE/S:

Separated from Section 406 -- new section

Added "or more" – mediations can involve more than 2 individuals

Rule 4, Section 406.G.

(Becomes Rule 4, Section 408)

~~G. Employee Performance Improvement Process~~

Section 408: Employee Performance Improvement Process and PIP

1.A. Purpose

The City of Tempe has established a the performance improvement process,

which is designed to help an employee improve performance ~~and/or correct~~ through informal discussions, and use of a Performance Improvement Plan (PIP); ~~and/or, if necessary, by following a course of progressive discipline. Whenever possible, an informal discussion and/or a Performance Improvement Plan (PIP) will be provided to an employee as an opportunity to correct a performance issue before discipline is administered. Employees on a Performance Improvement Plan (PIP) may receive a salary step increase at the discretion of the Department Manager. (See Rule 2. Section 202.E.)~~ The PIP is not a form of progressive discipline, but is a tool to assist supervisors in improving employee performance. However, progressive discipline (see Rule 4. Section 406) may be used in conjunction with a PIP.

2.B. Guidelines

~~A Performance Improvement Plan (PIP) may be initiated after the an informal discussion with the employee step, if appropriate. A Performance Improvement Plan (PIP) should be initiated at the time progressive discipline is administered. A Performance Improvement Plan (PIP) is used to correct a problem or issue or improve performance. if issues still exist. A PIP is a written form of constructive counseling and may include some or all of the following items:~~

- A description specifying how the employee's performance does not meet job standards;
- A description of the changes and improvements necessary for the employee to improve their performance and/or behavior(s) in order to satisfy job standard(s) and/or correct inappropriate behavior(s);
- Attendance expectations, required documentation, and procedures if absences and/or tardiness are an issue.
- Suggestions for additional training, help from workmates, educational materials, resource materials, or other steps the employee can take to improve performance;
- The employee's strengths and suggestions as to how the employee can use them to improve his or her performance standard(s) and/or inappropriate behavior(s);
- Suggestions on how an employee can transform his or her weaknesses into a positive force;
- Enthusiasm and support for the employee's ability to improve;
- The frequency and dates of progress reviews;

- A description of possible disciplinary actions if the employee does not improve; and
- ~~Attendance expectations, required documentation, and procedures if absences and/or tardiness are an issue.~~

C. Process

The performance improvement process consists of the following:

1. Informal discussion
2. Initiate Performance Improvement Plan (PIP) ~~and Written Reprimand~~
- ~~3. Performance Improvement Plan (PIP) and Suspension~~
3. Review progress of PIP
- ~~4. Final Disciplinary Action-Evaluate completion of PIP~~

Documentation related to the PIP should be maintained in the Supervisor's working file for one (1) year following completion.

If the PIP is being used in conjunction with progressive discipline, it should be initiated at the same time the Part III Final Disciplinary Action is presented to the employee. Any documentation related to the PIP should be included with the documentation of the disciplinary action and forwarded to Human Resources.

Steps Two, Three, and Four also include progressive discipline as appropriate. At each step of the process the supervisor monitors the employee's progress. If employee expectations are met during the monitoring period, the supervisor documents the employee's progress with a Memo to File. If employee expectations are not met, then the supervisor proceeds to each successive step up to Step Four.

a.1. ~~Step One. Informal Discussion~~

An Informal Discussion is the first step in problem solving. Every effort should be made to correct a problem or issue through discussion between the employee and his or her supervisor.

~~In Step One t~~The supervisor may prepares an informal memo outlining issues, expectations and a monitoring period if appropriate. The memo is provided to the employee and retained in the supervisor's working file for twelve (12) months. If prepared, this informal memo shall be provided to the employee at the time of the informal discussion and retained in the supervisor's working file for one (1) year.

If employee expectations are met, during the monitoring period, the supervisor documents the ~~may~~ document the employee's progress with a follow-up Memo-to-File. The supervisor and employee ~~may~~ sign and date the memo ~~To File~~ and it shall be placed in the Supervisor's working file for one (1) year. If employee expectations are not met, then the Supervisor ~~may move forward to initiate a PIP.~~ proceeds to **Step Two.**

b2. ~~Step Two~~ Initiate Performance Improvement Plan (PIP) and Written Reprimand

~~In Step Two~~ To initiate a PIP, the supervisor prepares a formal memo outlining issues, expectations, advising the employee that they are being placed on a PIP and outlining specific issues, expectations, other specific requirements and a monitoring period. The supervisor also issues Part I—Alleged Offense of the Disciplinary Action Form. The employee submits Part II—Employee Response. The supervisor responds with Part III—Statement of Final Action. A copy of the Performance Improvement Plan (PIP) and Disciplinary Action Form are forwarded to Human Resources for placement in the employee's personnel file for three (3) years. shall allow the employee to review the PIP memo and may make adjustments to the PIP based on the employee's input. The final PIP memo will then be presented to the employee.

c. ~~Step Three~~ Performance Improvement Plan (PIP) and Suspension

~~In **Step Three**, the supervisor prepares a Performance Improvement Plan (PIP) outlining issues, expectations, and a monitoring period. The supervisor also issues Part I—Alleged Offense of the Disciplinary Action Form. The employee submits Part II—Employee Response. The supervisor issues Part III—Statement of Final Action. A copy of the Performance Improvement Plan (PIP) and Disciplinary Action Form is forwarded to Human Resources for placement in the employee's personnel file.~~

~~If employee expectations are met during the monitoring period, the supervisor documents the employee's progress with a Memo-to-File the employee signs and dates. The supervisor forwards the memo to Human Resources to be placed in the employee's personnel file for three (3) years. If employee expectations are not met, the supervisor proceeds to **Step Four.**~~

3. Review Progress of PIP

The supervisor shall review the employee's progress throughout the monitoring period and provide any additional coaching and/or mentoring

necessary to assist the employee to successfully accomplish the requirements of the PIP. This review may be in the form of regularly scheduled follow-up meetings or any other type of consistent communication with the employee throughout the monitoring period. However, it is the responsibility of the employee to make every effort to successfully complete the PIP within the specified time period.

6.4. Step Four - Final Disciplinary Action Evaluate Completion of PIP

At the conclusion of the monitoring period, the supervisor shall schedule a meeting with the employee to review the PIP. If the employee has met all expectations~~are met~~ and requirements during the monitoring period, the supervisor documents the employee's progress with a Memo to File. The supervisor and employee sign and date the Memo to File and it is placed in the supervisor's working file for one (1) year from the date of the completion of the PIP. The supervisor forwards the memo to Human Resources for placement in the employee's personnel file for three (3) years. If employee expectations are not met, the supervisor proceeds to **Step Three.**

~~If the employee is not demonstrating progress as a result of the Performance Improvement Process, or the employee's conduct or job performance deteriorates further, a supervisor or manager may initiate a process of progressive discipline to ensure that classified employees are afforded adequate opportunity to correct unacceptable behavior or performance. Progressive Discipline may include a written reprimand, a disciplinary suspension, a disciplinary pay reduction, an involuntary demotion, and/or a dismissal.~~

~~It is the policy of the City to administer discipline fairly, responsibly and consistently. In most cases, the City and the employees are best served when discipline is administered to correct job misconduct and/or poor performance rather than to punish an employee. However, serious offenses may lead to immediate dismissal at any state of the process. Section 406.B. describes that constitutes grounds for dismissal.~~

If the employee does not meet the expectations of the PIP, the supervisor may proceed to the formal progressive disciplinary process. If discipline results, the supervisor shall forward the PIP documentation and corresponding disciplinary action paperwork to Human Resources for placement in the employee's personnel file for three (3) years.

Supervisors should not initiate a second PIP for the same issues with an employee if it is during the one (1) year following unsuccessful completion of the initial PIP. The progressive disciplinary process should be used. A second PIP may be used in conjunction with any resulting discipline, if

appropriate.

REASONS FOR CHANGE/S:

Separate Section created for PIP's for clarification. Other changes also for clarification.

~~Section 407: Strike~~ Section 409: Strike

Strikes by employees are prohibited. Any employee who engages in a strike shall be dismissed. The term "strike" as used in this section means concerted action that disrupts or interferes with any City function for the purpose of inducing, influencing, or coercing a change in the conditions, compensation, rights, privileges or obligations of employment.

~~Section 408: Diversity~~ Section 410: Diversity

~~Section 409: Americans with Disabilities Act (ADA)~~

~~Section 410: Light Duty~~

Section 411: Americans with Disabilities Act (ADA)

Section 412: Light Duty

~~A. — Guidelines~~

A. Light Duty Off-the-Job

The City shall follow guidelines mandated in current federal FMLA, ADA and any other applicable laws when making any will make an effort to provide temporary work assignments for an employee who is recovering from a medically documented mental or physical illness, or injury, or medical condition that is sustained on or off the job if the illness, or injury or medical condition precludes the employee from satisfactorily performing the essential functions of his or her position. Work assignments will be consistent with the employee's physical or mental capabilities during his or her recuperation period, prior to returning to full duty status.

If granted, Light Duty assignments are a privilege, and may not be considered a right or entitlement. Light Duty is intended for employees with a temporary illness, injury, or medical condition and may be provided only if there is a reasonable expectation that the employee will resume his or her regular duties at the end of the light duty assignment.

Light Duty Off-the-Job shall be for up to ninety (90) calendar days per temporary injury or illness. An initial light duty assignment for an off-the-job injury or illness

must be approved by the employee's supervisor or designee and the Department Manager or designee. If a Light Duty assignment needs to be prolonged for up to an additional ninety (90) calendar days, it may be extended with the written approval of the employee's supervisor and the Department Manager or designee. The Human Resources Department shall be notified in advance of any light duty assignments. A Light Duty assignment may be extended for up to an additional one hundred eighty (180) calendar days with the written approval of the Department Manager or designee and the Human Resources Manager or designee.

An employee on light duty has no rights to a light duty position or task no matter how long he or she is on light duty.

1. ~~Employee Responsibility~~

~~The Employee shall provide a licensed Physician's written release indicating specific work restrictions prior to being placed on Light Duty status. A generic time-off slip from the physician will **not** be accepted. The City shall make the final decision in consultation with a Physician as to whether or not the employee is qualified to return to work, with or without reasonable accommodation.~~

2. ~~Department Responsibility~~

~~The employee's supervisor will attempt to find appropriate Light Duty assignments within his or her department. Light Duty assignments shall benefit the City and be tailored to the employee's skills and abilities.~~

~~If a Light Duty assignment is not available within the employee's department, the supervisor shall seek assistance from other City departments. If a Light Duty assignment is not available in any other department and the employee is currently on leave, he or she shall contact his or her supervisor regularly to determine if Light Duty work has become available.~~

~~The supervisor shall submit a Payroll Action Request (PAR) form to the Employee Benefits Supervisor if an employee has been on Light Duty for over thirty (30) days. Upon receipt of the PAR form, the employee may be assigned a Case Manager who will work with the employee and his or her physician to ensure a timely return to his or her regular duties. The Case Manager shall monitor the employee's progress and may require a physical and/or mental health examination by a City appointed medical provider. Timesheets shall be coded as follows:~~

- ~~a. LF (Light Duty: Off the Job Injury/Illness)~~
- ~~b. LN (Light Duty: On the Job Injury/Illness)~~

B. Light Duty On-the-Job

Light Duty assignments for On-the-Job injuries, illnesses or medical conditions will be made in accordance with current Federal and State laws governing Worker's Compensation. All light duty assignments for on-the-job injuries will be handled through and approved by the Risk Management Division. Light Duty shall be for up to ninety (90) calendar days per temporary injury, illness or medical condition. The Risk Manager shall approve a Light Duty assignment for an employee with an on-the-job injury, illness, or medical condition. If a Light Duty assignment needs to be prolonged for up to an additional ninety (90) calendar days, it may be extended with the written approval of the employee's supervisor and the Risk Manager. A Light Duty assignment may be extended for up to an additional one hundred eighty (180) calendar days with written approval of the Department Manager or designee and the Risk Manager or designee. The City may require a medical evaluation by a physician of its choice. An employee on light duty has no rights to a light duty position or task no matter how long he or she is on light duty.

Employees who believe they are no longer able to satisfactorily perform a light duty assignment after they have been released by their physician to work a light duty assignment, shall return to the treating physician for a medical evaluation before the start of his or her next regularly scheduled work shift. Upon return to work, employees are required to submit to their supervisor documentation verifying that their treating physician has released them from work. If documentation is submitted, the employee will be paid industrial leave for the day(s) they were absent. If documentation is not submitted, employees will be granted leave without pay for the day(s) they were absent.

Employees who believe they are unable to satisfactorily perform their light duty assignment after being released for duty by their treating physician shall immediately contact Risk Management. The Risk Manager may refer an employee for a second medical evaluation. Employees will receive industrial leave pay for time off between the first and second medical evaluation. If the second medical evaluation supports the employee's return to work and the employee refuses to return to their light duty assignment, the employee will be placed on general leave without pay, and if eligible, shall be offered benefits under the Family Medical Leave Act (FMLA).

~~C. Light Duty Off-the-Job~~

~~Light Duty Off-the-Job shall be for up to ninety (90) calendar days per temporary injury, illness or medical condition. The employee's supervisor shall approve a Light Duty assignment for an employee with an off-the-job injury, illness or medical condition. If a Light Duty assignment needs to be prolonged for up to an additional ninety (90) calendar days, it may be extended with the written approval of the employee's supervisor and the Department Manager or designee. A Light Duty assignment may be extended for up to an additional one hundred eighty (180) calendar days with written approval of the Department Manager or designee and the Human Resources Manager or designee. The City may require a medical evaluation by a physician of its choice. An employee on light duty has no rights to a light duty position or task no matter how long he or she is on light duty.~~

~~An employee is required to immediately notify his or her supervisor upon receiving a physician's release to return to regular duty with or without reasonable accommodation. The physician's written release must be submitted to the supervisor before the employee shall be allowed to return to his or her regular position. The City may require an employee to take and pass a medical, psychological, or mental health examination by a healthcare provider of the City's choice. (See Rule 4., Section 405). An employee who is no longer approved for light duty may be eligible for the City's disability benefits through the Long-Term Disability Income Protection Program.~~

~~The employee shall return to the same position he or she held before going on Light Duty status. The supervisor shall submit to the Employee Benefits Supervisor the Physician's written release with a PAR form reinstating the employee to regular employment status.~~

REASON FOR CHANGE/S:

Legal – to bring the City's policy on off-the-job light duty in line with ADA and FMLA laws.

Rule 5, Section 501

B. Personal Leave Day

Regular employees may take one (1) personal leave day anytime during the calendar year. Employees may use their personal leave day for personal reasons. The number of hours regular employees shall receive is based on the employee's normal work schedule. Regular, part-time employees receive a pro-rated amount. Exempt Fire Department employees working a forty-eight (48)-hour workweek will be given an eight (8) hour day off with pay. The Personal Leave Day cannot be taken incrementally (e.g. four (4) hours one day and four (4) hours another day).

The immediate supervisor shall approve scheduling of the employee's personal leave day if operationally possible. Employees who have not used their personal leave day by the last pay period paid in the current calendar year shall be paid eight (8) hours for their personal leave day in January the following year.

REASON FOR CHANGE/S:

Clarification – the PeopleSoft system cannot accommodate incremental use of the Personal Leave Day.

Rule 5

Section 502: Vacation

A. Guidelines

1. Accrual Schedule

a. Regular Full-Time Employees

Regular, full-time employees accrue annual vacation leave as outlined below. (See Table I (*separate document*) for conversion rates for Fire Department employees working ~~forty-eight (48)~~ or fifty-six (56)-hour work weeks and for separate accrual rates for TOA employees.)

<u>Vacation Leave Accrual & Conversion</u>				
Years of Service	<u>General Hours Earned Monthly</u>	<u>General Hours Earned Annually</u>	<u>FD (48 Hrs.) Hours Earned Monthly</u>	<u>FD (48 Hrs.) Hours Earned Annually</u>
Up to 5 years	8	<u>96</u>	<u>9.6</u>	<u>115.2</u>
5 to 9 years	10	<u>120</u>	<u>12</u>	<u>144</u>
10 to 14 years	12	<u>144</u>	<u>14.4</u>	<u>172.8</u>
15 years and over to 19 <u>years</u>	<u>14.67</u>	<u>176</u>	<u>17.6</u>	<u>211.2</u>
<u>20 + years</u>	<u>16</u>	<u>192</u>	<u>19.2</u>	<u>230.4</u>

Note:

~~Forty-eight (48) hour employees work three (3) eight hour days and one (1) twenty-four hour day within one workweek. Hence, the number of working days may vary depending on whether an employee takes an eight hour or twenty-four hour day off. The number of vacation hours required to take a day as vacation will vary depending on the hours normally scheduled for the employee on the day requested (e.g. If an employee works a 9/80 schedule and takes a vacation day on a day normally scheduled as a 10 hour working day, 10 hours of vacation must be used.)~~

Employees shall accrue vacation leave on a monthly basis. Accruals shall be posted and available for use as of the first of each month.

b. Part-Time Employees

Regular employees who work less than forty (40) hours per week but more than 1,040 hours a year receive prorated vacation credit.

REASON FOR CHANGE/S:

Adjustment to vacation accrual schedule as reviewed by City Manager and 6-Sided Partnership.

Rule 5. Section 504

Section 504: Industrial Accident Leave

E. State Law

Employees are covered by the City under the Arizona State Worker's Compensation Act against injuries, illness or disease occurring in the course of City employment. The law provides for payment of all medical expenses and, under certain circumstances, compensation for loss of income.

B. Definition

If an employee is absent from work as a result of any injury, illness, or disease that is covered under the Arizona State Worker's Compensation Act, the absence is considered Industrial Accident Leave. Any absence greater than three (3) days will also be considered as qualifying under FMLA leave.

C. Reporting Requirements

Every employee shall immediately report every job-related injury or illness, regardless of severity, to his or her supervisor. The supervisor shall report the incident to the Risk Manager within twenty-four (24) hours. Supervisors shall notify employees after three (3) days of Industrial Accident Leave that the leave is also being considered as qualifying under FMLA leave.

REASON FOR CHANGE/S:

Clarification re FMLA law

Rule 5

Section 508: Leave Without Pay

A. General Leave Without Pay

Regular employees, who have successfully completed their original probationary period, may take general leave without pay with their supervisor and department manager's approval for the following reasons:

1. To run for elective office
 2. To receive an education that will improve the employee's value to the City. The request for leave shall include the length of time to be taken, course work, and the benefit to the City.
 3. To fulfill military obligations.
 4. To supplement vacation only if all accrued vacation leave and compensatory time has been exhausted, and for no more than a total of forty (40) hours in any one (1) calendar year.
- 4.5. For other reasons as approved by the Human Resources Manager or designee and the City Manager or designee.

REASONS FOR CHANGE/S:

To allow supervisors and department managers to approve most general leave without pay. To allow general leave without pay to be used to supplement vacation with limits. Both these practices have already been occurring throughout the City.

Section 508

B. Family and Medical Leave

Regular, full- or part-time, eligible employees may take up to seventeen (17) workweeks per calendar year in accordance with the Family and Medical Leave Act of 1993 (FMLA). (See Section 512. Family and Medical Leave Act). Regular, part-time employees who have successfully completed their original six-month probationary period and who are not eligible under FMLA, are entitled to seventeen (17) workweeks of paid or unpaid leave subject to the same terms and conditions as those employees who are eligible under FMLA. The Family and Medical Leave Act entitlement of seventeen (17) workweeks is concurrent with other types of paid or unpaid leave such as Industrial Accident Leave, Long-Term Disability, Medical Leave, Family Sick Leave, Vacation Leave, Personal Leave Day, Compassionate and/or Catastrophic Leave. Employees may take Family and Medical Leave for the following reasons:

REASON FOR CHANGE/S:

Clarification

Rule 5, Section 512.J.

Compensation During FMLA Leave

J. Priority of Leave Use

Employees using FMLA leave will be required to use available paid leave prior to unpaid general leave. Paid or unpaid leave, except for compensatory leave, which can be used at the employee's discretion, will be deducted from the total FMLA entitlement.

Paid vacation leave shall be used prior to unpaid leave, and will be deducted from the total seventeen (17)-workweek entitlement, to care for a spouse, domestic partner, child, or parent with a serious health condition.

Paid medical and vacation leave may be used for the birth and care of a newborn child or placement of a child for adoption or foster care.

Both male and female employees may use paid medical leave for the birth or adoption of a child.

Paid medical and vacation leave will be used for the employee's own serious health condition.

Compassionate and/or Catastrophic Leave may be coordinated with FMLA if an employee has exhausted his or her medical and/or vacation leave.

Paid Family Sick Leave shall be used prior to unpaid leave, and will be deducted from the total seventeen (17)-workweek entitlement, to care for a spouse, domestic partner, child, or parent with a serious health condition. ~~Family Sick Leave is limited to fifty-six (56) hours per calendar year for regular, full-time employees; sixty-four (64) hours per calendar year for Fire Battalion Chiefs; and seventy-two (72) hours per calendar year for Firefighters. Regular, part-time employees are limited to a prorated maximum.~~

REASON FOR CHANGE/S:

Family Sick Leave is no longer limited to 56 hours.

Rule 6. Section 602.A.

Section 602: Outside Employment, Activity, or Enterprise

A. Guidelines

Employees may engage in employment other than their job with the City under the following conditions:

1. Before entering into outside employment, prior written approval by the Department Manager on a City of Tempe "Outside Employment Request and Affidavit" form shall be obtained and sent to Human Resources for placement in the employee's personnel file. The employee shall report and obtain re-approval for changes, additions, or deletions to his or her outside employment circumstances from the Department Manager within thirty (30) days of such changes. Re-approval shall be forwarded to Human Resources for placement in the employee's personnel file.

The employee may request the Human Resources Department convene an Employee Advisory Hearing Committee should his or her department manager deny approval or re-approval of the employee's Outside Employment Request. The Advisory Hearing Committee shall consist of and be conducted as follows:

- a. Members of the Committee shall be from each of the following employee groups:
 - (1) The President or designee of the United Phoenix Firefighters Association Local 493-Tempe Chapter;
 - (2) The President or designee of the Tempe Police Officer's Association;
 - (3) A designee from the Senior Management Team;
 - (4) The Tempe Supervisor's Council (TSC) Chairperson or designee; ~~and~~
 - (5) The Tempe Employees' Council (TEC) Chairperson or designee; and
 - (6) The SEIU Local 5 President or designee.
- b. A Chairperson shall be chosen from the ~~five (5)~~ six (6) Committee members. The Chairperson shall not vote except in the case of a tie.

REASON FOR CHANGE/S:

To include all members of the 6-sided partnership.

Rule 6

Section 606: Tempe Employees' Council (TEC)

A. Guidelines

The Tempe Employees' Council (TEC) serves as an advisory group to the City Manager and is not a public body under the State of Arizona Open Meeting Act, A.R.S. 38-431. The purpose of the Tempe Employees' Council (TEC) is to work with the City Manager to:

1. Secure better employer and employee relations;
2. Make recommendations to the City Manager on personnel rules and regulations, salary, and benefits;
3. Discuss internal administrative procedures involving employees;
4. Discuss mutual problems among employees; and
5. Discuss and refer to the City Manager broad and general issues that either cannot be accommodated by the normal grievance process as stated in Section 605 Grievance Procedure, or require immediate action on the part of the City.

B. Membership

Representatives of the Tempe Employees' Council (TEC) shall be selected from regular, non-supervisory employees ~~in the classified service~~, who are not members of an employee group represented by an official and exclusive employee organization for meet and confer purposes. Changes in apportionment shall be approved by a majority of the total TEC membership subject to City Manager approval. Representatives shall be elected in their divisions, or in some cases their departments.

C. Meetings

1. Regular meetings of the Tempe Employees' Council (TEC) are held monthly. These meetings are attended by the employee representatives or their alternates. Fifty (50%) percent plus one (1) of total membership constitutes a quorum to do business.
2. The Council may hold special meetings, when required, with approval of the City Manager.
3. Employee representatives shall be allowed up to ten (10) ~~six (6)~~ hours per month, Executive Board Members shall be allowed eighteen (18) hours per month, and the Tempe Employees' Council (TEC) Chairperson shall be allowed forty (40) hours per month, during scheduled work hours for the purpose of conducting TEC business, which includes but is not limited to general meetings, executive board meetings, committee meetings, and other purposes as may be determined by the City Manager.

The release of employees for TEC business shall not be unreasonably withheld by supervision. In the event that supervision identifies special

circumstances and reasonable justification for employee exclusion from TEC business, the Department must submit a written explanation approved by the City Manager before excluding an employee.

4. An agenda will be prepared and distributed to all representatives within a week of the Tempe Employees' Council (TEC) meetings.
5. The Council may discuss items and topics that they consider to be of general employee interest and concern.
6. Meetings are conducted according to parliamentary procedure. Minutes of each meeting are to be kept and posted in each department following review by the Tempe Employees' Council (TEC) Chairperson.
7. All eligible employees may attend TEC meetings on their own time.

REASON FOR CHANGE/S:

Removal of reference to classified service as some unclassified employees are represented by TEC.

Change in hours allowed to Employee Representatives from 6 to 10 approved by City Manager 5/25/05.

Rule 6

Section 607: Tempe Supervisors' Council (TSC)

A. Purpose

The Tempe Supervisors' Council (TSC) serves as an advisory group to the City Manager and is not a public body under the State of Arizona Open Meeting Act, A.R.S. 38-431. The purpose of the Tempe Supervisors' Council (TSC) is to work with the City Manager to:

1. Develop and promote a healthy and productive work environment;
2. Build open communication, trust and respect at all levels
3. Foster cooperative relationships throughout the City;
4. Cultivate and promote diversity in the workplace;
5. Discuss and recommend resolution to broad and general mutual issues and concerns among supervisors;
6. Recommend changes to personnel rules and regulations, administrative procedures/guidelines, salaries, benefits or other related activities;

7. Discuss and refer to the City Manager issues and concerns that either cannot be accommodated by the normal grievance process or requires immediate action on the part of the City.

~~B.~~ Membership

~~Representatives of the TSC shall be selected from supervisors in the classified service, which supervise at least one (1) full-time benefited employee. Changes in apportionment shall be approved by a majority of the total TSC membership subject to City Manager approval. Representatives shall be elected in their departments.~~

B. TSC Business

Representatives shall be allowed six (6) hours per month, Executive Board Members shall be allowed eighteen (18) hours per month, and the TSC Chairperson shall be allowed forty (40) hours per month, during scheduled work hours for the purpose of conducting TSC business, which includes, but is not limited to, general meetings, executive board meetings, committee meetings, and other purposes as may be determined by the City Manager.

A supervisor or manager shall not unreasonably withhold the release of supervisors for TSC business. In the event that a supervisor or manager identifies special circumstances and reasonable justification for excluding a supervisor from TSC business, the department must submit a written explanation to the City Manager for his or her approval.

~~C.~~ Meetings

- ~~1. Regular meetings of the TSC are held on the first Tuesday of each month. The supervisor representatives or their alternates attend these meetings. Fifty percent (50%) plus one (1) of total membership constitutes a quorum to do business.~~
- ~~2. The Council may hold special meetings, when required, with approval of the City Manager.~~
- ~~4. An agenda will be prepared and distributed to all representatives within a week of the Tempe Supervisors' Council meetings.~~
- ~~5. The Council may discuss items and topics that they consider to be of general supervisor interest and concern. Meetings are conducted according to parliamentary procedure. Minutes of each meeting are to be kept and posted for a reasonable time in each department following review by the Tempe Supervisors' Council Chairperson.~~

REASON FOR CHANGE/S:

Rule 6

Section 612: Computer Internet, E-mail, and Telephone Use

A. Guidelines

The City provides employees access to the City's electronic mail system (email), the Internet, and other computer systems (collectively referred to as the "Computer System"), ~~as necessary to conduct official City business. The following guidelines are intended to instruct employees of their duties and to notify employees that the Internet, e-mail contents, and any other documents generated on the Computer System, are not confidential. All data stored or printed as a document is subject to audit and review at any time without advance warning. There should be no expectation of privacy in the use of the Computer System.~~ and to the City's telephone equipment, land based and cellular as necessary to conduct official City business. Oversight of these systems and all equipment is the responsibility of the City's Information Technology Department (ITD).

On a regular basis ~~W~~hen logging on to the Computer System, all employees will be asked to read and consent to the following policy:

This computer and the programs operating upon it are City of Tempe property and you are only authorized to use them in accordance with the City's Rules & Regulations, including the City's Internet and E-mail policy. Rule 6, Section 612. All communications are subject to being monitored pursuant to local, state and federal laws. Any unauthorized use or abuse of the equipment or programs may result in disciplinary action up to and including termination. ~~as noted in the City's Personnel Rule 4. Section 406. B. 30. Grounds for Dismissal and Rule 6. Section 612.~~ If you have any questions concerning this policy, please contact your department manager, the Human Resources Department, or the City Attorney's Office.

B. Computer System Usage

Employees should have no expectation of privacy in the use of the City's Computer System. Accessed Internet sites, email contents, and any documents generated or received on the Computer System should not be considered confidential, unless they are covered by the attorney-client privilege, which includes communications between attorneys and employees, or they relate to confidential personnel matters. All data stored within the City's Computer System or printed as a document is subject to audit and review by the ITD at any time.

~~The use of the Computer System is restricted to official City business. Limited~~

personal use of the Computer System may be permitted during authorized work breaks, or before or after work hours ~~are permitted~~. Limited personal use may include scheduling personal appointments, conducting research, preparing educational papers, and similar matters. Personal use of the Computer System shall never include any of the following, ~~and is~~ which are strictly prohibited:

1. ~~Intentionally a~~Accessing any ~~adult pornographic materials websites~~, or ~~anything~~ emails or any other type of material(s) which could be construed as pornographic, sexually explicit, scandalous, discriminatory, defamatory, libelous, illegal or immoral;

NOTE: Employees who inadvertently access any pornographic or inappropriate website, (e.g. when an inappropriate site appears while in the process of conducting a word search in the Internet), shall report this to their supervisor immediately, or to the ITD Manager if their supervisor is unavailable.

2. Using for commercial or financial gain, such as operating a business or posting or selling personal items (other than in the ITD-approved "For Sale" folder);
3. Soliciting, including charitable campaigns, except as specifically authorized as part of official City sponsored events;
4. Forwarding any websites, issuing or forwarding emails or any other type of material(s) which could be construed as pornographic, sexually explicit, scandalous, discriminatory, defamatory, libelous, illegal, immoral, threatening, slanderous, racially and/or sexually harassing;
4. ~~Sending threatening, slanderous, racially and/or sexually harassing messages.~~
5. Issuing or forwarding ~~sending~~ chain mail, practical jokes, and other messages or materials that could be construed as being frivolous or in any way offensive;
6. ~~Accessing websites or locations where a fee is charged unless approved by a department manager; and~~
6. Unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books or other copyrighted sources, copyrighted music, and the installation of any copyrighted software for which City of Tempe or the end user does not have an active license;
7. ~~Intentionally accessing websites or locations where a fee is charged unless approved by a department manager; and~~ propagating a computer worm or virus, or any other program or material which may have a debilitating or disabling affect on the City's computer systems;

8. Using a modem connected to a City supplied telephone line to access a fee-based site where the charges are billed to the line;
9. Disguising or falsifying sources of electronic mail and other electronic communications with the intent of misleading, defrauding or harassing others;
10. Using electronic communication facilities (e.g., e-mail, instant messaging (IM), chat rooms, threaded discussions or systems with similar functions) to send fraudulent, harassing, obscene, threatening, or other messages that are a violation of applicable federal, state or other law;
11. Sending "spam" e-mail. Spam is e-mail that includes identical or nearly identical messages that are sent to a large number of recipients who have not granted deliberate and explicit permission for the messages to be sent. The transmission and reception of the messages appear to the recipients to give a disproportionate benefit to the sender.

C. Telephone Use Hardware and Software

The purchase of computer hardware, software, related peripheral equipment or IT consultancy services requires prior review by the ITD and approval by the ITD Manager

Products and services acquired outside of the Procurement / ITD review process will not be connected to or operate upon the City's infrastructure, nor will they be supported by any unit of ITD, including Customer Support, PC Services, Telecomm Operations, Application Services, LAN/WAN, or the Data Center. This includes, but is not limited to: PC's, desktop printers, tablet PC's, telephones (including Voice-over-IP), analog or digital radios, microwave units and components, satellite dishes, packaged applications, all hardware and software that is to be connected to our network infrastructure, palm Pilots, BlackBerrys, scanners, networked printers, etc.

Tampering with city-owned hardware or software is prohibited. Only ITD authorized personnel are allowed to make configuration changes to city-owned computer systems, including but not limited to, installing or uninstalling software, adding or removing hardware (internal or external), making any changes to the operating system, adding or modifying authorized users and/or administrators to the system, changing or modifying computer ID tags or Internet address (IP) assignments, or disabling computer anti-virus software.

D. Employee Responsibility

1. ~~Every employee is responsible for the security of his or her telephone or Computer System account password, and will be held responsible for all use or misuse of his or her account. Employees should ensure that unauthorized use is prevented by logging out of their Computer System account while away from their work station.~~

~~An unauthorized attempt or entry into another person's computer or account is called "Hacking," and is not permitted. Hacking is a violation of the Federal Electronic Communications Privacy Act (ECPA) 18. U.S.C. §2510.~~

- ~~2. Anonymous messages or misrepresenting yourself as someone else is prohibited.~~
- ~~3. E-mail is not secure. All e-mail is sent unencrypted and is easily read. Private and/or confidential information should not be sent using the Computer System.~~
- ~~4. Employees who inadvertently access an adult pornographic website or telephonic location shall report this to their supervisor immediately. If the supervisor is unavailable, the employee shall report this to the Information Technology Department Manager. Inadvertent access shall be recorded as a mistake. An example of this is when an adult site appears while in the process of conducting a word search in the Internet, or misdialing a telephone number.~~

D. Telephone Equipment Usage

~~The use of the City's equipment, including land based or cellular, is restricted to official City business. Personal use shall never include the following:~~ The use by employees of the City's telephone equipment, including land based and cellular telephones, pagers and PDA's, is permitted to conduct restricted to official City business. Limited personal use of telephone equipment may be permitted during authorized work breaks, or before or after work hours for making brief local calls for necessary urgent or emergency reasons. Personal use shall never include the following:

- ~~1. Accessing any~~ Intentionally accessing any type of pornographic sites or inappropriate telephonic location;

NOTE: Employees who inadvertently access any pornographic or inappropriate telephonic location, (e.g. by misdialing a telephone number), shall report this to their supervisor immediately, or to the ITD Manager if their supervisor is unavailable.
2. Using for commercial or financial gain such as operating a business;
3. Soliciting, including charitable campaigns, except as specifically authorized as part of official City sponsored events;
4. Soliciting for political campaigns;
5. Sending threatening, slanderous, racially or sexually harassing messages;

6. Making any long distance or directory assistance calls without prior supervisory approval. (Employees may dial long distance without supervisory approval if using a personal phone card or dialing collect).

~~The City recognizes that employees may need to occasionally make a personal call. Employees may use City telephone equipment for limited personal use with supervisory approval. Personal calls should be brief. Employees shall not make any long distance calls or use directory assistance without supervisory approval. Employees may dial long distance without supervisory approval when using a phone card or when dialing collect. Otherwise all calls shall be local and within the free dialing zone.~~

All charges, including long distance, directory assistance, roaming, and local airtime charges incurred by employees when using City equipment for personal use, shall be reimbursed to the City.

E. Public Record Nature of E-mail/Confidentiality Security

~~E-mail is subject to disclosure pursuant to the public records laws as enacted under Title 39 of the Arizona Revised Statutes. A public record is any document that is made in the course of performing a duty, the immediate purpose of which is to disseminate information to the public, or to serve as a memorial of official transactions for public record.~~

~~If an e-mail is considered a public record, you may be required to disclose the e-mail upon request. If the context of the e-mail is considered a public record, you must retain the record for the period of time as required by the retention schedule for the record.~~

Every employee is responsible for the security of his or her telephone and/or Computer System account password(s). At no time should employees divulge any account passwords to any other employee or to any other person. Employees should ensure that unauthorized use of their computer system is prevented by logging off while away from their work station. Anonymous e-mail, voice-mail or any other type of message(s) or misrepresentation of identity when using the City's Computer System or telephone equipment is a violation of City Personnel Rule 4, Section 406.B.9.

An unauthorized attempt at entry or entry into another person's computer or account is called "Hacking." Hacking is a violation of the Federal Electronic Communications Privacy Act (ECPA) 18 U.S.C. §2510

ITD provides guidelines for computer and Network security. It is the responsibility of all employees using the City Computer System and/or telephone equipment to read and be familiar with these guidelines which can be found on the ITD website at:

Employees dialing in or using VPN (virtual private network) to access the City's network from remote are expected to follow the same rules and guidelines as outlined in this section. Prior to accessing the City's network from remote, an employee must fill out and accept the "Remote Access Agreement" located on the ITD website at:

http://www1.tempe.gov/itdworld/remote_access_agree.htm

E.F. Disciplinary Action Email Confidentiality and Public Record

Email is not secure. All email is sent unencrypted and is easily read. Private and/or confidential information should not be sent using the Computer System.

Email generated or received on the City's Computer System may be subject to disclosure pursuant to the public records laws as enacted under Title 39 of the Arizona Revised Statutes. A public record is any document that is made in the course of performing a duty, the immediate purpose of which is to disseminate information to the public, or to serve as a memorial of official transactions for public record.

If an email is considered a public record, you may be required to disclose the email upon request. If the context of the email is considered a public record, you must retain the record for the period of time as required by the retention schedule for the record. Questions regarding public record retention should be directed to the Human Resources Department or the City Attorney's Office.

F.G. Disciplinary Action

Failure to follow guidelines and the rules governing established for computer usage under rule 406.B. shall system and telephone equipment usage may result in disciplinary action up to and including termination. Immediate termination may result depending on the nature of the violation. The City enforces a zero tolerance for intentionally accessing inappropriate internet sites and/or telephonic locations as detailed in this section.

REASON FOR CHANGE/S:

Update requested by ITD due to changes in technology. Some verbiage required by federal authorities relative to security concerns for government agencies.

TABLES

Table 1 LEAVE ACCRUAL EQUIVALENCE

REASON FOR CHANGE

Information in this table is dependent upon the MOUs, and was therefore deleted from the Personnel Rules & Regulations.



Human Resources Administration

Date: September 9, 2005

Subject: Unclassified Service

Effective Date: June 12, 2003

Revised Date: September 15, 2005

In accordance with the Tempe Personnel Rules and Regulations, the following staff positions (as determined by the City Manager) are unclassified, at-will positions:

City Attorney & City Clerk

Deputy City Attorney
City Prosecutor
~~Senior Assistant City Attorney~~
~~Assistant City Attorney~~
~~Prosecutor I/II~~

City Court

Court Manager
Deputy Court Managers

City Manager's Office

Assistant City Manager
Executive Assistant to Manager/Mayor I/II

Community Development

Community Development Manager
Deputy Community Development Managers

Community Relations

Community Relations Manager
Communication and Media Relations Director
Executive Assistant to Manager/Mayor I/II
Government Relations Director
Mayoral/City Council Aide I/II
Mayor's Chief of Staff
Neighborhood Program Director

Community Services

Community Services Manager
Deputy Community Services Managers

Development Services

Development Services Manager
Deputy Development Services Manager

Unclassified Service Administrative Memorandum

Diversity

Diversity Manager

~~Economic Development~~

~~Economic Development Manager~~

Financial Services

Financial Services Manager
Deputy Financial Services Managers

Fire

Fire Chief
Assistant Fire Chief
Fire Marshal

Human Resources

Human Resources Manager
Deputy Human Resources Manager

Information Technology

Information Technology Manager
Deputy Information Technology Manager

Internal Audit

Internal Audit Manager

Parks & Recreation

Parks and Recreation Manager

Police

Police Chief
Assistant Police Chiefs
~~Division Commander~~
Commanders
Police Legal Advisor
Fiscal/Research Administrator

Public Works

Public Works Manager
Deputy Public Works Managers
LRT Project Manager
Fleet Director

Water Utilities

Water Utilities Manager
Deputy Water Utilities Manager

Unclassified Service Administrative Memorandum

Approved: _____ Date: _____

Valerie Hernandez, Human Resources Manager

Approved: _____ Date: _____

Will Manley, City Manager